

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of the
PENINSULA CORRIDOR JOINT POWERS
BOARD for authority to construct a new
pedestrian underpass to replace an existing
pedestrian overpass at the Lawrence Sunnyvale
station, City Of Sunnyvale, County of Santa
Clara.

Application 03-03-026
(Filed March 17, 2003)

O P I N I O N**Summary**

The Peninsula Corridor Joint Powers Board (Caltrain) proposes to replace an existing grade-separated pedestrian-rail crossing overpass, which is not compliant with the Americans with Disabilities Act (ADA) of 1990, with a grade-separated pedestrian-rail crossing underpass, which is ADA compliant (Project), at the Lawrence Caltrain Station in Sunnyvale, County of Santa Clara. Additionally Caltrain proposes to improve the existing pedestrian access over a Union Pacific Railroad (UP) spur track. A sketch of the project area is included as Attachment A.

Discussion

The proposed Project is part of Caltrain's South CTX project which is itself part of the "Baby Bullet" train project which seeks to provide express rail passenger service between San Francisco and San Jose in less than one hour. In order to meet this goal, Caltrain is increasing from two to four tracks at several

locations including Lawrence Station. The new grade-separated pedestrian rail-crossing will accommodate the four tracks as well as be ADA compliant.

Train speed at this location is 79 mph for commuter trains, and 60 mph for freight trains. UP freight trains also run on this rail line. Daily rail traffic consists of 76 Caltrain commuter trains and 5 UP freight trains. To meet an aggressive construction schedule and gain the relief requested, Caltrain has requested that the normal 30-day waiting period following the Commission's consideration of this matter be waived.

The grade-separated pedestrian-rail crossing (CPUC Crossing No. 105E-40.70-BD) will incorporate both stairs and ramps. A plan for the grade-separated pedestrian-rail crossing is included as Attachment B. The existing non-ADA compliant grade-separated pedestrian-rail crossing overpass structure will be moved south of its present location, for use during construction. The relocation of the structure will take place on a weekend, when no passenger service is scheduled. Temporary tracks to bypass the area of construction will also be built.

On the westside of the station, patrons accessing the station from Willow Avenue/French Street, and the high-density housing located along Agate Drive, have been crossing over a UP spur track. UP trains operate over the spur track twice a week, Monday through Saturday after 7 pm. Currently patrons accessing the station from the west can cross anywhere along a 35-yard expanse. The project will improve the safety in this area by channelizing the pedestrians to two defined crossing locations, with half-inch crushed rock surfacing and landscaping defining the route for pedestrians to use. In addition, Caltrain will install concrete-surfacing panels for maximum crossing surface quality. Caltrain

proposes to install four Standard No. 1-Cs (Private Crossing Sign), as described in CPUC General Order 75-C.

Caltrain is the lead agency for this project under the California Environmental Quality Act (CEQA), as amended, Public Resources (PR) Code Section 21000 et seq. On April 4, 2001, Caltrain filed for, and was granted, a Notice of Exemption (NOE) under PR Code Section 15275, which cites: “CEQA does not apply to...(a) the institution or increase of passenger or commuter service on rail lines...already in use, including the modernization of existing stations and parking facilities.” The NOE was endorsed by the County Clerk-Recorder for Santa Clara County, and was posted in the office of the County Clerk-Recorder from August 8, 2001 to September 7, 2001.

The Commission is a responsible agency for this project under CEQA (PR Code Section 21000 et seq.). CEQA requires that the Commission consider the environmental consequences of a project that is subject to its discretionary approval. In particular, to comply with CEQA, a responsible agency must consider the lead agency’s Environmental Impact Report or Negative Declaration prior to acting upon or approving the project (CEQA Guideline Section 15050(b)). The specific activities that must be conducted by a responsible agency are contained in CEQA Guideline Section 15096.

We have reviewed the NOE prepared by Caltrain and find it adequate for our decision making purpose. We are of no reason why Caltrain’s determination of exemption for the project is not warranted. Accordingly we adopt the NOE and also find the Project is exempt from CEQA.

The Commission’s Consumer Protection and Safety Division (CPSD), Rail Crossings Engineering Section (RCES) staff inspected the site of the proposed project. After reviewing the need for and safety of the replacement of the

existing grade-separated pedestrian-rail crossing, RCES recommends that the requested authority sought by Caltrain be granted, but expire if not exercised within two years.

Application 03-03-026 meets the filing requirements of the Commission's Rules of Practice and Procedure, including Rule 38, which relates to the construction of a public highway across a railroad.

In Resolution ALJ 176-3110, dated April 3, 2003, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. No protests have been received. The Commission's CPSD recommends that this application be granted. Given these developments, a public hearing is not necessary, and it is not necessary to disturb the preliminary determinations made in Resolution ALJ 176-3110.

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Public Utilities Code Section 311(g)(2), the otherwise applicable 30-day period for public review and comment is being waived.

Assignment of Proceeding

Richard Clark is the assigned Examiner in this proceeding.

Findings of Fact

1. Notice of the application was published in the Commission Daily Calendar on March 19, 2003. No protests have been filed.
2. Caltrain requests authority, under Public Utilities Code Sections 1201-1205, to replace an existing grade-separated pedestrian-rail crossing overpass with a new grade-separated pedestrian-rail crossing under their mainline tracks in Sunnyvale, Santa Clara County, which is identified as PUC Crossing No. 105E-40.7-BD.

3. Caltrain requests authority, to install concrete surface panels, and to improve pedestrian channelization and access over an existing UP spur line.

4. Public convenience, safety, and necessity require the construction of the grade-separated pedestrian-rail crossing, and improved pedestrian access over the UP spur line.

5. Caltrain is the lead agency for this project under CEQA, as amended.

6. The Commission is a responsible agency for this project, and has reviewed and considered Caltrain's environmental documentation.

7. On April 4, 2001, Caltrain filed its NOE approving the project and found that the Lawrence Station grade-separated pedestrian-rail crossing is exempt from CEQA pursuant to CEQA Guidelines Section 15275.

8. Caltrain's environmental document is adequate for our decision-making purposes.

9. Safety and security, transportation and noise are within the scope of the Commission's permitting process.

Conclusions of Law

1. The application is uncontested and a public hearing is not necessary.
2. We adopt Caltrain's NOE finding the project exempt from CEQA for purposes of our approval
3. The application should be granted as set forth in the following order.

O R D E R

IT IS ORDERED that:

1. The Peninsula Corridor Joint Powers Board (Caltrain) is authorized to replace an existing grade-separated pedestrian-rail crossing overpass with a new

grade-separated pedestrian rail-crossing under its mainline tracks in Sunnyvale, Santa Clara County, which is identified as PUC Crossing No. 105E-40.7-BD.

2. Caltrain is authorized to install concrete surface panels, and to improve pedestrian channelization and access over an existing UP spur line.

3. Clearances shall be in accordance with General Order (GO) 26-D.

4. Walkways shall conform to GO 118. Walkways adjacent to any trackage subject to rail operations shall be maintained free of obstructions and shall be promptly restored to their original condition in the event of damage during construction.

5. Prior to construction, Caltrain shall file with Consumer Protection and Safety Division's Rail Crossings Engineering Section (RCES) final construction plans, approved by the City of Sunnyvale.

6. Within 30 days after completion of the work under this order, Caltrain shall notify RCES in writing, by submitting a completed standard Commission Form G (Report of Changes at Highway Grade Crossings and Separations), that the authorized work is completed.

7. This authorization shall expire if not exercised within two years, unless time is extended, or if the above conditions are not complied with.

Authorization may be revoked or modified if public convenience, necessity, or safety so require.

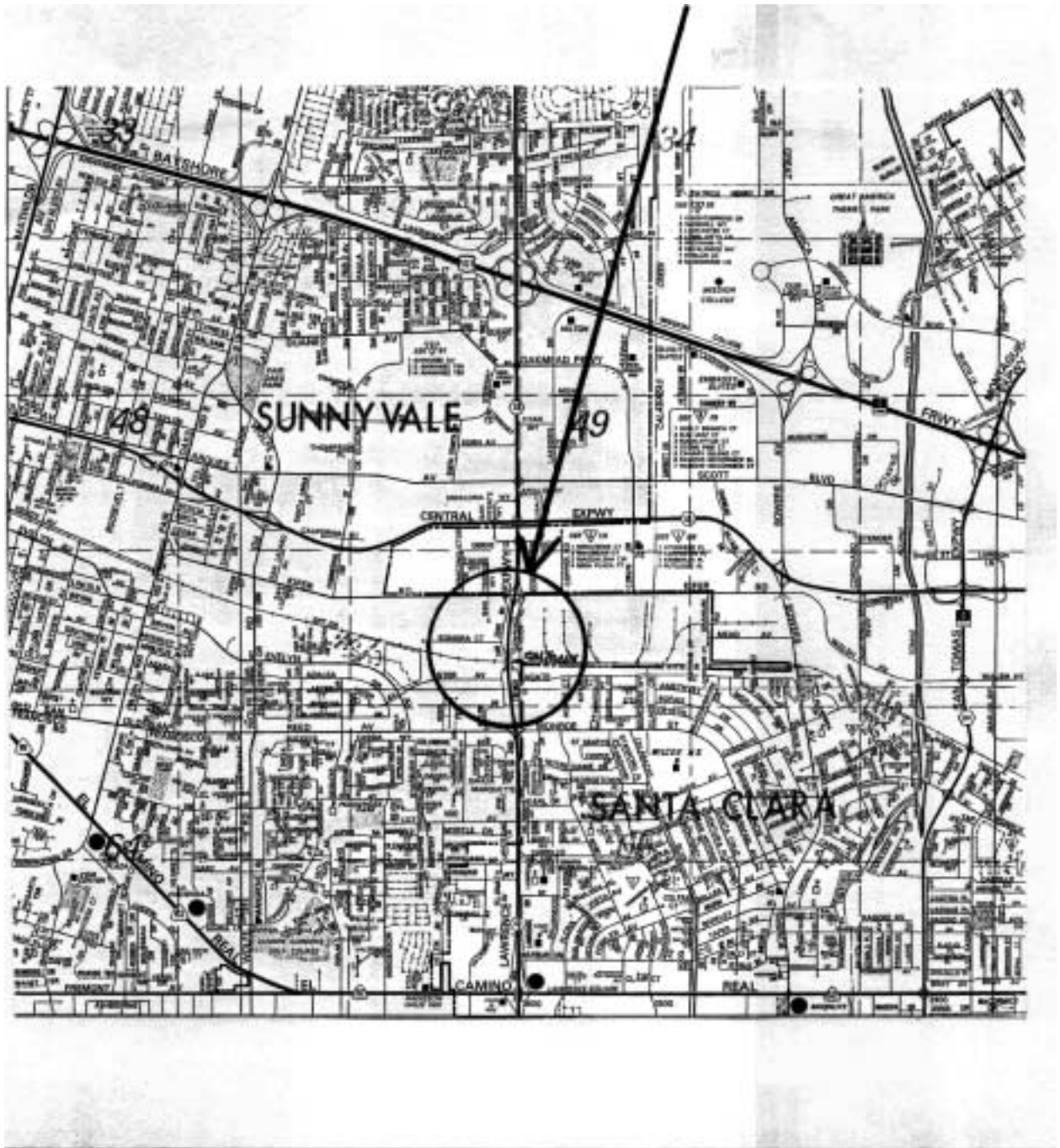
8. This application is granted as set forth above.

9. Application 03-03-026 is closed.

This order is effective today.

Dated _____, at San Francisco, California.

ATTACHMENT A



Notice of Exemption

E 9575

To: County Recorder
City & County of San Francisco
San Mateo County
Santa Clara County

From: Peninsula Corridor Joint Powers Board (Caltrain)
1250 San Carlos Ave.
San Carlos, CA 94070

ENDORSED

AUG 8 2001

BRENDA DAVIS, County Clerk-Recorder
Santa Clara County

By _____ Deputy

Project Location:

Various locations on the Caltrain passenger rail system in San Francisco, San Mateo, and Santa Clara Counties.

Project Description:

The project consists of the rehabilitation/modernization of Caltrain track, station and signal facilities and the addition of crossover tracks at various locations within existing railroad right-of-way. Ridership on the Caltrain system continues to increase and these improvements are necessary to maintain safe and reliable service while improving and maximizing operational flexibility.

The project will include, but not be limited to:

Track Work: Removal and replacement of track, switches, ballast, ties and any attendant work necessary to complete the track, including the repair, modification or replacement of bridge structures. Installation of new crossover tracks at strategic locations.

Civil Work: Modification to existing streets, sidewalks, curbs, gutters, drainage and utility relocation as needed. Installation of landscaping, fencing and signage.

Signal Work: Removal or modification of existing signal facilities and/or installation of new signals, including installation of signal conduits and other necessary work to ensure the proper functioning of the signal system.

Station Work: Rehabilitation or installation of new station platforms. Modernization of stations by adding or improving passenger waiting and TVM shelters, bike lockers, fence, railings, signs and electronic messaging, lighting, and PA systems. ADA upgrades and compliance measures.

Name of Public Agency Approving Project:

Peninsula Joint Powers Board (Caltrain)

Name of Public Agency Carrying Out Project:

Same

Exemption Status:

Statutory Exemption

AUG 8 2001 SEP 7 2001
POSTED ON _____ THROUGH _____
IN THE OFFICE OF THE COUNTY CLERK-RECORDER
BRENDA DAVIS, COUNTY CLERK
BY LAURA B. AGUILAR DEPUTY

E 9575

Reason why project is exempt:

The purpose of this project is to improve and modernize the Caltrain system to provide safe, reliable and faster passenger service between San Francisco and Gilroy. Ridership has increased steadily over the past few years and improvements to the system are necessary to serve existing passengers and to attract additional riders.

Pursuant to Section 15275, Specified Mass Transit Projects of the CEQA Guidelines: "CEQA does not apply to... (a) The institution or increase of passenger or commuter service on rail lines... already in use, including the modernization of existing stations and parking facilities."

Lead Agency Contact Person: Marie Pang**Telephone:** 650-508-6338**Signature:** Marie L. Pang **Date:** 4/4/01**Title:** Environmental Manager**Date received for filing:**